IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Bail Appl..No. 5318 of 2007()

C.R.NO.28/2007 OF THE MALAPPURAM EXCISE RANGE

: PETITIONER/ACCUSED

RAJAN, S/O.UNNIKELU,
PUTHUKIDI CHEMBRENGAL, VILAYIL P.O.,
PARAPOOR, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE EXCISE INSPECTOR,
MALAPPURAM EXCISE RANGE- THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5318 of 2007

Dated this the 17th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner was allegedly found to be in possession of 4 litres of coloured arrack on 9.8.07. The petitioner on seeing the excise party allegedly abandoned the article and took to his heels. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner argues that really the article was Indian Made Foreign Liquor and therefore the allegations are not sustainable. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the earlier documents in this case clearly show that what was seized was not Indian Made Foreign Liquor but was only the coloured arrack. In these circumstances, the petitioner does not deserve to be granted anticipatory bail, urges the learned Public Prosecutor.

3. I have considered all the relevant inputs. At the moment and with the available materials, there is nothing to assume and infer that the article seized was genuine and licit Indian Made Foreign Liquor. I am, in these circumstances, of the opinion that the

petitioner cannot be granted anticipatory bail. It is for the petitioner to appear before the learned Magistrate and seek regular bail.

4. This application for anticipatory bail is, in these circumstances, dismissed. Needless to say that if the petitioner appears before the learned Magistrate and applies for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

(R.BASANT, JUDGE)

rtr/-